

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

THE ESTATE OF NENA CHARLEY,
By and Through Personal Representative,
TIMOTHY CHARLEY, TIMOTHY
CHARLEY, as Parent and Next Friend of
NILE CHARLEY, and **TIMOTHY**
CHARLEY, Individually,

Case No. 1:22-CV-00033 JB/JFR

Plaintiffs,

v.

THE UNITED STATES OF AMERICA,
ROBIN RANELL SALES, R.N. and
JOELLE CATHERIN CERO GO, R.N.,

Defendants.

**DEFENDANTS SALES AND NEXT MEDICAL STAFFING'S
RESPONSE TO PLAINTIFFS' MOTION TO COMPEL**

Defendants Robin Ranell Sales, RN, and Next Medical Staffing by and through undersigned counsel hereby responds to Plaintiffs' Motion to Compel [201].

Defendants were clear in their response letter to Plaintiffs on these discovery issues (See attached Exhibit. 1) addressed to Next Medical Staffing:

- **Request for Production No. 8:** The “competency ER nurse exam results” for Nurse Sales were already produced to Plaintiff via ShareFile on July 12, 2023 with Next Medical Staffing’s responses to Plaintiff’s Request for Production No. 2. There is nothing more and the production was proper.

Those items produced were titled:
Sales, Robin - ER Skills Checklist
Sales, Robin - Core I Testing (Exam results)
Sales, Robin - Core II Testing (Exam results)
Sales, Robin - Core III Testing (Exam results)
Sales, Robin - ER Skills Assessment (Exam results)

- **Interrogatory Nos. 9 – 11; Request for Production No. 6:** Defendants refer this Court to sections I. and II. of the attached letter (Exhibit 1) for the bases for their objection to recruiter information. Plaintiff has **no** independent claims of negligence against Next Medical Staffing as evidenced by the lack of any opinions of Plaintiff's nurse expert against Next Medical Staffing. Plaintiff's only nursing claim concerning Defendants is that Nurse Sales was allegedly negligent and Next Medical Staffing has vicarious liability for Nurse Sales' conduct as its employee. Defendants had already provided a Rule 30(b)(6) company representative to testify about the contours of Nurse Sales' employment with Next Medical Staffing including how nurses are hired, tested, credentialed, and placed. Consequently, where no independent claim of negligence exists against Next Medical Staffing, the pay rate of the person or persons at Next Medical Staffing who recruited Nurse Sales is not relevant and not proportional to Plaintiff's singular claim that Nurse Sales was allegedly negligent as an ER triage nurse in her interaction with Ms. Charley in the early morning hours of May 28, 2019.

Dated: October 12, 2023

Respectfully submitted,

THE CHECKETT LAW FIRM, PLLC

By /s/ John J. Checkett
John J. Checkett
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*Attorneys for Robin Ranell Sales, RN and Next
Medical Staffing*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of October, 2023, I electronically filed the foregoing through the Court's CM/ECF file and serve system, which caused all parties or counsel to be served electronically.

/s/ John J. Checkett